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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

DN

[REDACTED]

FILE: EAC 02 294 53466 Office: VERMONT SERVICE CENTER Date: JUN 17 2004

IN RE: Petitioner:
Beneficiary:

[REDACTED]


PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner claims to be in the business of importing and exporting hand crafted furniture and Oriental rugs. The petitioner seeks to employ the beneficiary temporarily in the United States in a managerial or executive capacity, namely as its marketing research manager. The director denied the petition stating that the evidence provided by the petitioner did not establish that the beneficiary had been or would be employed in an executive or managerial capacity.

On appeal, counsel states that the petitioner continues to rely on the merits of the case as originally submitted. Counsel also indicated that he would not be submitting a separate brief or evidence. Therefore, the record is considered complete.

The regulation at 8 C.F.R. 103.3(a)(1)(v) states in part:

Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

As counsel has failed to identify specifically any erroneous conclusion of law or statement of fact for the appeal, the appeal will be summarily dismissed.

In visa petition proceedings, the burden of proving eligibility for the benefit sought rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not sustained that burden.

ORDER: The appeal is summarily dismissed.